

and 32 as shown on Attachment "A" hereto.

REMARKS

Claims 1, 4-16, 18-26, 28-29, and 31-32 are pending in the application of which claims 10-13, 26 and 29 have been withdrawn from consideration; claims 1, 4-9, 14-16, 18-25, 28, and 31-32 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action claims 1, 4-6, 8-9, 14-16, 18-22, 25, and 28 were rejected under 35 U.S.C. 102(e) as anticipated by the Wiklund '947 patent; and claims 7 and 23-24 were rejected under 35 U.S.C. § 103(a) as obvious over the Wiklund '947 patent in view of the Massara '968 patent.

By this Response and Amendment independent claims 1 and 15 are amended to further differentiate the claimed invention over the cited prior art and newly submitted claims 31-32 are added.

Support for the amendments to claims 1 and 15 is found in the originally filed drawings of Figs. 5-8.

It is therefore respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

Rejection Under 35 U.S.C. § 102

The Examiner rejected claims 1, 4-6, 8-9, 14-16, 18-22, 25,

and 28 as anticipated by the Wiklund '947 patent.

RESPONSE

Independent claims 1 and 15 have been amended to further differentiate the claimed invention over the cited prior art. As amended the rejections are respectfully traversed.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

As claimed in claim 1, as amended, a seatback frame comprises, inter alia, side frames spaced from each other with a cross frame located between the side frames. A pivotal connector is fixed relative to the seatback frame; and a headrest member is fixed in relative position to the pivotal connector and supported to be rotatable about the pivotal connector relative to the side frames.

As claimed in claim 15, as amended, a seatback comprises, inter alia, a seatback frame including a side frame. A pivotal connector is fixed relative to the seatback frame; and a headrest member comprising a headrest is fixed in relative position to the

pivotal connector and supported to be rotatable about the pivotal connector relative to the side frame.

As claimed in each of claims 1 and 15, a pivotal connector is fixed relative to the seatback frame and a **headrest member is fixed in relative position to the pivotal connector and is supported to be rotatable about the pivotal connector** relative to the side frame(s).

In contrast, the cited Wiklund '947 patent discloses in Figs. 3-4 a support 24 fixed relative to the seatback frame which provides for linear motion of arms 23 there-through (compare relative position of arm 23 to support 24 as shown in Fig. 3 with corresponding relative position of arm 23 to support 24 as shown in Fig. 4) as well as rotational motion thereabout.

The Wiklund '947 patent does not disclose that a headrest or headrest member is fixed in relative position to a pivotal connector and is supported to be rotatable about the pivotal connector relative to a seatback frame as claimed in each of claims 1 and 15. It is therefore submitted that claim 1 and 15, as amended, are patentable over the cited prior art. Claims 4-6, 8-9, and 14, each ultimately dependent from claim 1; and claims 16, 18-22, 25, and 28, each ultimately dependent from claim 15, are asserted to be patentable over the prior art because claims 1 and 15, as amended, are patentable thereover.

Accordingly, reconsideration and withdrawal of the rejections

is respectfully requested.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 7 and 23 as obvious over the Wiklund '947 patent in view of the Massara '968 patent.

RESPONSE

Applicant incorporates herein by reference the arguments presented above in response to the rejections under section 102, and respectfully submits that claim 7, ultimately dependent from claim 1, is patentable over the cited prior art for at least the same reasons that claim 1 is patentable thereover; and that claims 23-24, each ultimately dependent from claim 15, are patentable over the cited prior art for at least the same reasons that claim 15 is patentable thereover.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Newly Submitted Claims

Newly Submitted claim 31, dependent from claim 1, and newly submitted claim 32, dependent from claim 15, are asserted to be patentable over the prior art of record because claims 1 and 15, as amended, are patentable thereover.

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

NATH & ASSOCIATES PLLC

A handwritten signature in cursive script, appearing to read "Gary M. Nath", written over a horizontal line.

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Attachment "A"
(Pending Claims)

1. (Currently Amended) A seatback for an automobile comprising:

a seatback frame comprising:

side frames spaced from each other; and

a cross frame located between the side frames;

E' a pivotal connector fixed relative to ~~rotatably supported by~~
the seatback frame; and

a headrest member fixed in relative position to the pivotal
connector and supported to be rotatable about ~~by the pivotal~~
connector ~~for rotating coaxially with the pivot and relative to~~
the side frames,

the headrest member comprising:

a headrest mounted on the seatback frame; and

a supporting member including a pressure receiving
portion, the supporting member being located between the side
frames and supporting the headrest,

wherein the cross frame is located in front of the
supporting member for stopping the supporting member from pivotal
motion.

2-3. (Canceled)

4. (Previously presented) A seatback according to claim 1,

wherein the supporting member comprises:
a holder fitted with the headrest; and
a supporting member body fixed with the holder and the
pressure receiving portion.

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cont 5. (Previously presented) A seatback according to claim 1,
wherein the pressure receiving portion is configured in
substantially an I-shape.

6. (Previously presented) A seatback according to claim 1,
further comprising:

a biasing means fixed between the side frames for biasing
forwardly the pressure receiving portion.

7. (Previously presented) A seatback according to claim 6,
wherein the pressure receiving portion is covered with a
cover made of a synthetic resin, and the cover has a hook engaged
with the biasing means.

8. (Previously presented) A seatback according to claim 1,
wherein the cross frame has a first stopper face configured
to stop the supporting member from forward pivotal motion.

9. (Previously presented) A seatback according to claim 1,
wherein the cross frame has a second stopper face configured

to stop the supporting member from rearward pivotal motion.

10. (Withdrawn) A seatback according to claim 4,
wherein the holder is integrated with the pressure receiving member.

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11. (Withdrawn) A seatback according to claim 10,
wherein the holder and the pressure receiving member are configured together in a substantially L-shape.

12. (Withdrawn) A seatback according to claim 10,
wherein the holder and the pressure receiving member are configured together in a substantially U-shape.

13. (Withdrawn) A seatback according to claim 10,
wherein the holder has a straight portion positioned at a central portion of an upper-cross member corresponding to an inside of shoulder portions of a passenger, the straight portion allows a stay of the headrest to be vertically moved, and the pressure receiving member is configured in a thin and flat shape and is bent to be placed away from a pad.

14. (Previously presented) A seatback according to claim 1,
wherein the cross frame is bridged between upper ends of the side frames.

15. (Currently Amended) A seatback for an automobile comprising:

a seatback frame including a side frame;

a pivotal connector fixed relative to ~~rotatably supported by~~ the seatback frame;

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a headrest member comprising a headrest fixed in relative position to the pivotal connector and supported to be rotatable about ~~by the pivotal connector for rotating coaxially with the pivot~~ and relative to the side frame; and

a stopper located transversely relative to the side frame and in front of the headrest for stopping the headrest from pivotal motion.

16. (Previously presented) A seatback according to claim 15, wherein the headrest member includes:

a headrest;

a pressure receiving member; and

a supporting member extending between the headrest and the pressure receiving member and supporting the headrest,

wherein the pivot rotatably supports the supporting member.

17. (Canceled)

18. (Previously presented) A seatback according to claim

16,

wherein the stopper includes a first stopper extending longitudinally relative to the pressure receiving member for stopping the pressure receiving member from rearward pivotal motion.

19. (Previously presented) A seatback according to claim 16,

wherein the stopper includes a second stopper extending transversely relative to the supporting member for stopping the supporting member from frontward pivotal motion.

20. (Previously presented) A seatback according to claim 16, further comprising:

a resilient member biasing the pressure receiving member to an original position.

21. (Previously presented) A seatback according to claim 20,

wherein the resilient member includes a spring bridged between side frames.

22. (Previously presented) A seatback according to claim 16, further comprising:

a cover covering an end of the pressure receiving member.

23. (Original) A seatback according to claim 22,
wherein the cover is made of a synthetic resin.

24. (Previously presented) A seatback according to claim
22,

wherein the cover has a hook, and a resilient member is
engaged with the hook for biasing the pressure receiving member
to an original position.

25. (Previously presented) A seatback according to claim
16,

wherein the pressure receiving member includes a flat end.

26. (Withdrawn) A seatback according to claim 15,
wherein the supporting member comprises:
a collar part enclosing the pivotal element; and
a pressure receiving part fixed to the collar, the pressure
receiving part extending from the proximal end of the supporting
member.

27. (Canceled)

28. (Previously presented) A seatback according to claim
16,

wherein the supporting member further comprises:

a holder for fitting the headrest therein.

29. (Withdrawn) A seatback according to claim 28,
wherein the holder part is integrated with the pressure
receiving part.

30. (Canceled)

31. (New) A seatback for an automobile according to claim
1,

wherein the headrest and the pressure receiving portion are
disposed on the supporting member on opposite sides of the
pivotal connector.

32. (New) A seatback for an automobile according to claim
15,

wherein the stopper is located on a same side of the pivotal
connector as the headrest.
